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Attorneys for Plaintiff
SAMUEL KWESI DADJO

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

SAMUEL KWESI DADJO,

Plaintiff,

v.

ENCORE RECEIVABLE MANAGEMENT,
INC., a Kansas Corporation,

Defendant.

Case No. C07-05856-SC

**PLAINTIFF'S NOTICE OF TAKING
DEPOSITION OF DEFENDANT
ENCORE RECEIVABLE
MANAGEMENT, INC.'S
DESIGNATED REPRESENTATIVE(S)
PURSUANT TO FED. R. CIV. P.
30(b)(6) BY STENOGRAPHER
AND/OR VIDEOTAPE, DUCES
TECUM**

TO: David J. Kaminski
Carlson & Messer, LLP
5959 W. Century Boulevard, Suite 1214
Los Angeles, CA 90045
Telephone: (310) 242-2200
Facsimile: (310) 242-2222

PLEASE TAKE NOTICE that, pursuant to Fed. R. Civ. P. 30(b)(6), commencing on **October 6, 2008, at 9:00 a.m.**, and thereafter by adjournment until the same shall be completed, at the offices of Metropolitan Court Reporters, 9200 Indian Creek Parkway, #205, Overland Park, Kansas 66210, OR such other location as may be later designated by Amended Notice, Plaintiff through her counsel will take the deposition(s) under oath of the designated representative(s) of

1 Defendant, ENCORE RECEIVABLE MANAGEMENT, INC. (hereinafter, "ENCORE"), before a
2 qualified notary public under Fed. R. Civ. P. 28, stenographically and/or by videotape.

3 **PLEASE TAKE FURTHER NOTICE** that, the designated representative(s) of Defendant
4 must be prepared to testify regarding "matters known or reasonable available to" Defendant,
5 including but not limited to the following topics:

- 6 1. The factual basis for ENCORE's Answer;
- 7 2. Any and all other information related to ENCORE's defenses contained in its
8 Answer;
- 9 3. The collection methods, practices, techniques and strategies used by ENCORE in its
10 efforts to collect debts from consumers during the month April 2007;
- 11 4. All account notes, collection logs, miscellaneous notes, debtor work cards, or other
12 documentation methods, if any, whether computerized, manual or other, of all
13 activities undertaken by ENCORE or its employees related to Plaintiff;
- 14 5. Creation, modification, programming and use of any computer software and
15 hardware used by ENCORE to receive, compile and/or maintain information on
16 Plaintiff or Plaintiff's account;
- 17 6. The methods, practices, techniques and strategies used by ENCORE in training its
18 collection employees concerning compliance with the Fair Debt Collection Practices
19 Act;
- 20 7. Any bona fide error defense ENCORE may have with regard to the allegations set
21 forth in the Complaint filed by Plaintiff in this case;
- 22 8. The names, titles, addresses and phone numbers of all persons who participated in
23 designing, creating, furnishing, compiling or placing any and all of the telephone
24 calls to Plaintiff by ENCORE in an effort to collect on any account;
- 25 9. The use of automated answering machine messages in the form alleged in Plaintiff's
26 Complaint;
- 27 10. The manner of placing automated answering machine messages in the form alleged
28 in Plaintiff's Complaint;

11. Defendant's discovery responses in this case;

12. All documents requested by Plaintiff in the course of this case;

13. The documents produced for inspection, review and copying noted below;

PLEASE TAKE FURTHER NOTICE that, pursuant to Fed. R. Civ. P. 30(b) and 34, Defendant is required to produce at the aforementioned time and place the following documents for inspection, review and photocopying;

1. All contracts, agreements or other documents between ENCORE and the creditor, or its affiliates, regarding Plaintiff or collection of his debt.

2. All documents in ENCORE's possession sent to or received from anyone which in any way relate to the debt owed by Plaintiff.

3. All operation manuals or similar documents, etc., utilized by ENCORE relating to compliance with the Fair Debt Collection Practices Act.

4. All operation manuals or similar documents, etc., utilized by ENCORE relating to compliance with the Rosenthal Fair Debt Collection Practices Act.

5. All documents relating to the maintenance of procedures by ENCORE adapted to avoid any violation of the Fair Debt Collection Practices Act.

6. All documents relating to the maintenance of procedures by ENCORE adapted to avoid any violation of the Rosenthal Fair Debt Collection Practices Act.

7. All litigation filed against ENCORE, in the past 3 years alleging violations of the Fair Debt Collection Practices Act, including 15 U.S.C. § 1692d(5).

8. All litigation filed against ENCORE, in the past 3 years alleging violations of the Fair Debt Collection Practices Act, including 15 U.S.C. § 1692d(6).

9. All litigation filed against ENCORE, in the past 3 years alleging violations of the Fair Debt Collection Practices Act, including 15 U.S.C. § 1692e(11).

10. All litigation filed against ENCORE, in the past 3 years alleging violations of the Rosenthal Fair Debt Collection Practices Act, including Cal. Civil Code § 1788.11(b).

11. All litigation filed against ENCORE, in the past 3 years alleging violations of the

Rosenthal Fair Debt Collection Practices Act, including Cal. Civil Code § 1788.11(d).

12. All litigation filed against ENCORE, in the past 3 years alleging violations of the Rosenthal Fair Debt Collection Practices Act, including Cal. Civil Code § 1788.11(e).

13. All documents relating to the creation, modification, programming and use of any computer software and hardware used by ENCORE to receive, compile and/or maintain information on the Plaintiff's account.

14. All documents or lists which would contain or explain all abbreviations and codes, letters, numerals, or symbols regularly used by ENCORE in its records or collection activities.

15. Any insurance policies covering Defendant, ENCORE RECEIVABLE MANAGEMENT, INC., for violation of the Fair Debt Collection Practices Act or the Rosenthal Fair Debt Collection Practices Act.

CONSUMER LAW CENTER, INC.

Dated: August 20, 2008

By: /s/ Fred W. Schwinn
Fred W. Schwinn, Esq.
Attorney for Plaintiff
SAMUEL KWESI DADJO

CERTIFICATE OF SERVICE

I, Fred W. Schwinn, hereby certify that on August 20, 2008, the forgoing document was sent
by facsimile and U.S. Mail to:

David J. Kaminski
Carlson & Messer, LLP
5959 W. Century Boulevard, Suite 1214
Los Angeles, CA 90045
Facsimile: (310) 242-2222

Metropolitan Court Reporters
9200 Indian Creek Parkway, #205
Overland Park, KS 66210
Facsimile: (913) 317-8850

Dated: August 20, 2008

/s/ Fred S. Schwinn
Fred W. Schwinn